PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Charles H. VAN DUSEN et al

Application No: 09/616,109

Filed: July 14, 2000

RATE AND DELIVERY TIME MULTIPLEXING FOR BANDWIDTH OPTIMIZATION

Art Unit: 2613

Examiner:

Anand Shashikant Rao

#### PETITION TO WITHDRAW HOLDING OF ABANDONMENT

COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

The Communication mailed December 2, 2003 indicates that this application is abandoned in view of applicant's failure to file a timely reply to the Office Action mailed April 1, 2003.

Applicant filed a reply to the Office Action mailed April 1, 2003 by facsimile transmission on July 30, 2003. A copy of the reply, including a petition for extension of time, is submitted herewith, together with a copy of the Auto-Reply Facsimile Transmission confirming receipt of applicant's transmission of fourteen pages on July 30, 2003, is submitted herewith. the circumstances, applicant requests that holding of abandonment should be withdrawn and that this application should be restored to pending status.

Respectfully submitted,

John Smith-Hill Reg. No. 27,730

SMITH-HILL & BEDELL, P.C. 12670 NW Barnes Road, Suite 104 Portland, Oregon 97229

Tel. (503) 574 3100 Fax (503) 574-3197 Docket: TUT 2695

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Received Cover Page ======> Smith-Hill and Bodell, P.C.

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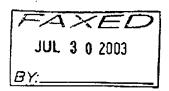
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### FACSIMILE COVER SHEET

Anand Shashikant Rao To:

Art Unit 2613

From: John Smith-Hill

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Date: July 30, 2003

US PATENT AND TRADEMARK OFFICE

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Pages: Cover + 13